

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BEST MEDICAL INTERNATIONAL, INC.)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:10-CV-1043 (TFM)
)	
ACCURAY INCORPORATED,)	
)	
Defendant.)	
)	
)	
)	
)	

**STIPULATION AND JOINT MOTION FOR DISMISSAL
OF CLAIM 29 WITH PREJUDICE**

The parties to the above-captioned litigation, by their undersigned attorneys, hereby jointly stipulate as follows and move for dismissal of Claim 29 of U.S. Patent No. 6,038, 283 B2 (“the ‘283 patent”) from this suit on the terms and conditions set forth below:

1. The Parties stipulate to the DISMISSAL WITH PREJUDICE of all infringement claims and assertions by Plaintiff against Defendant with respect to claim 29 of the ‘283 patent.
2. The Parties further stipulate to the DISMISSAL WITHOUT PREJUDICE of the Defendant’s counterclaims of non-infringement and invalidity as to claim 29 of the ‘283 patent.

In light of the foregoing, the Parties hereby jointly move for dismissal as stated above of claim 29 of the ‘283 patent based upon the foregoing stipulated terms.

Dated this 20th day of September, 2013.

Respectfully submitted,

By: /s/ Eric G. Soller

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